

REMARKS

The present application was filed on August 22, 2001 with claims 1 through 23. Claims 24-27 were added in the Amendment and Response to Office Action dated January 4, 2005. Claim 14 was cancelled and claim 28 was added in the
 5 Amendment and Response to Office Action dated April 15, 2005. Claims 1-13 and 15-28 are presently pending in the above-identified patent application. Claims 1, 9, 15, 18-23, and 28 are proposed to be amended herein.

In the Office Action, Examiner rejected claims 21-23 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The
 10 Examiner rejected claims 1-13 and 15-27 under 35 U.S.C. §103(a) as being unpatentable over Carter et al. (United States Patent Number 6,026,474) and Humphrey (United States Patent Application Number 2002/0129116), and rejected claims 1-13 and 15-28 under 35 U.S.C. §103(a) as being unpatentable over Carter et al. and Mao et al. (United States Patent Number 6,886,178).

Section 101 Rejections

15 Claims 21-23 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 21-23 require a *computer readable medium having computer readable code means embodied thereon*, and are therefore limited to *tangible*
 20 embodiments. Claims 21-23 are therefore directed to statutory subject matter and Applicants respectfully request that the section 101 rejections be withdrawn.

Independent Claims 1, 9, 15, 18-23 and 28

Independent claims 1, 9, 15, 18-23, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carter et al. and Humphrey and under 35 U.S.C.
 25 §103(a) as being unpatentable over Carter et al. and Mao et al. Regarding claim 1, the Examiner asserts that Carter discloses receiving content broadcast to a client (col. 27, lines 65-66) and storing said received content in said client-side cache (col. 28, lines 7-10).

Applicants note that Humphrey is directed to broadcasting information, for
 30 example, “when the rate of requests for information exceeds a predetermined number over a predetermined time.” (Paragraph 52) Carter is directed to a shared client-side

Web cache, wherein the Web cache is shared by a particular group of users. (Col. 2, lines 38-40.) Mao is directed to formatting Internet HTML Web page data to fit within a standard MPEG-2 data packet structure, and multiplexing it along with other MPEG-2 digital video signals for transport within a multiple channel digital video system (see, 5 Abstract). Neither Carter, Humphrey, nor Mao, however, address the issue of storing content *based on a user profile*. Independent claims 1, 9, 15, 18-23, and 28 require *storing content based on a user profile*.

Thus, Carter et al., Humphrey, and Mao et al., alone or in combination, do not disclose or suggest storing content based on a user profile, as required by independent 10 claims 1, 9, 15, 18-23, and 28, as amended.

Dependent Claims 2-8, 10-13, 16-17 and 24-27

Dependent claims 2-8, 10-13, 16-17, and 24-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carter et al. and Humphrey and under 35 U.S.C. §103(a) as being unpatentable over Carter et al. and Mao et al.

15 Claims 2-8 and 24-25, claims 10-13 and 26-27, and claims 16-17 are dependent on claims 1, 9, and 15, respectively, and are therefore patentably distinguished over Carter et al., Humphrey, and Mao et al. (alone or in any combination) because of their dependency from amended independent claims 1, 9, and 15 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

20 All of the pending claims, i.e., claims 1-13 and 15-28, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Mason". The signature is fluid and cursive, with the first name "Kevin" written in a larger, more prominent script than the last name "Mason".

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

5

Date: September 7, 2005

10